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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,964	12/19/2000	Mikael Kubista	GOTE.P-039	8802
21121	7590	09/23/2004	EXAMINER	
OPPEDAHL AND LARSON LLP			SUAREZ, FELIX E	
P O BOX 5068			ART UNIT	
DILLON, CO 80435-5068			PAPER NUMBER	
			2857	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/673,964

Applicant(s)

KUBISTA, MIKAEL

Examiner

Felix E Suarez

Art Unit

2857

*AC*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-28 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26 Jan. 2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Abstract*

1. The abstract of the disclosure is objected to because it has less than 50 words. Correction is required. See MPEP § 608.01(b).

### *Allowable Subject Matter*

2. Claims 15-28 are allowable.
3. The following is a statement of reasons for the indication of allowable subject matter:

Claims 15-28 are allowable because the prior art, particularly Hively et al. [U.S. Patent No. 5,815,413], Hill [U.S. Patent No. 6,246,481], Stoughton et al. [U.S. Patent No. 6,351,712] and Richards-Kortum et al [U.S. Patent No. 6,095,982] fail to teach or suggest a method for characterizing physical samples to determine the content of the samples comprising the step of:

Obtaining a physical sample, or pair of physical samples,

Processing the sample, or pair of samples to generate a multidimensional response according to

$$I(\alpha, \beta, \gamma \dots) = \sum c_i I_i(\alpha) I_i(\beta) I_i(\gamma) \dots$$

where the number of data points in each dimension are at least two

$$\alpha_1, \alpha_2, \dots, \alpha_l \quad l \geq 2$$

$$\beta_1, \beta_2, \dots, \beta_m \quad m \geq 2$$

$$\gamma_1, \gamma_2, \dots, \gamma_n \quad n \geq 2$$

and calculating the 1-dimensional responses of the components,  $\tilde{I}_i(\alpha)$ ,  $\tilde{I}_i(\beta)$ ,  $\tilde{I}_i(\gamma) \dots$  to provide an indication of the content of the sample or samples.

4. This application is in condition for allowance except for the formal matters noted above.

Prosecution on the merits is closed in accordance with the practice under ***Ex parte Quayle***, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications.

August 5, 2004

F.S.

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800